

State of Wisconsin, Department of Revenue

DIVISION OF STATE AND LOCAL FINANCE, BUREAU OF PROPERTY TAX, 2135 Rimrock Road, P.O. Box 8971, MS6-97, Madison, WI 53708-8971

REAL ESTATE TRANSFER NEWS (RETN)

OCTOBER 2004

The following questions and answers are given as general interpretations of the Wisconsin Administrative Code and Statutes. Should you have any questions, please write to:

Wisconsin Department of Revenue
Division of State & Local Finance
Bureau Property Tax
P.O. Box 8971, MS 6-97
Madison, WI 53708-8971

This RETN may be found on the Internet at <http://www.dor.state.wi.us/ust/retn.html>

1Q. Is a conveyance of a cemetery lot subject to a transfer return and fee?

- A. A conveyance of a cemetery lot is **exempt from return and fee** per Tax 15.05(6), Wis. Adm. Code. A conveyance of land for use as a cemetery is subject to a transfer return and fee per the same code. The document should have language to the effect of "This is a cemetery lot exempt from return per Tax 15.05(6), Wis. Adm. Code" in keeping with the procedures of the Register of Deeds accepting documents without returns. This question is a clarification of RETN, February 2002, Q2.

2Q. Can a general partnership convert to a limited liability company and be exempt per s. 77.25(6m), Stats?

- A. No. The exemption applies only to a conveyance pursuant to the conversion of a business entity to another form of business entity under s. 179.76, 180.1161, 181.1161, or 183.1207.
- s. 179.76(1)(a) A domestic limited partnership may convert to another form of business entity if it satisfies the requirements under this section and if the conversion is permitted under the applicable law of the jurisdiction that governs the organization of the business entity into which the domestic limited partnership is converting.
 - s. 180.1161(1)(a) A domestic corporation may convert to another form of business entity if it satisfies the requirements under this section and if the conversion is permitted under the applicable law of the jurisdiction that governs the organization of the business entity into which the domestic corporation is converting.
 - s. 181.1161(1)(a) A domestic corporation may convert to another form of business entity if it satisfies the requirements under this section and if the conversion is permitted under the applicable law of the jurisdiction that governs the organization of the business entity into which the domestic corporation is converting.
 - s. 183.1207(1)(a) A domestic limited liability company may convert to another form of business entity if it satisfies the requirements under this section and if the conversion is permitted under the applicable law of the jurisdiction that governs the organization of the business entity into which the domestic limited liability company is converting.

A partnership can only convert to a limited liability partnership under s. 77.25(6d), Stats. "Pursuant to partnerships registering as limited liability partnerships under s. 178.40" and can not be combined with s. 77.25(6m), Stats.

3Q. We have a client who is buying a single-family residential building in order to fix it up and then sell it, which exclusion code do we use under the Rental Weather Standards? The client will not be renting the property to anyone, however he will not be occupying it as a primary residence either.

- A.** Rehabs, fixer-uppers, etc, whether rented or not do not have an exclusion code. They must comply with the Rental Weatherization Energy Efficiency Code within 1 year of purchase.

4Q. Are Relocation Companies required to take out a Stipulation upon transfer?

- A.** Yes. If the property is sold within the one-year period then the Stipulation can be transferred to the new buyer. If the new buyer is owner occupying then they can send documentation (closing statements and the Real Estate Transfer Return Form) to the Department of Commerce, Rental Weatherization Program and request a Satisfaction of Compliance based on owner-occupancy.

For questions regarding Weatherization Exclusion codes, please call either:

Rental Weatherization Technician, Dan Salopek (920-854-7405) for properties located in area codes 414 or 920 or

Rental Weatherization Technician, Delores Kolosovsky (608-935-1454) for properties located in area codes 608, 262, 715 or

Write Department of Commerce, Bureau of Integrated Service, 201 W. Washington Ave, P.O. Box 7302, Madison, WI 53701-7302.